

7. Defendant Anthony Smith failed in the above mentioned duties and is therefore negligent.

8. Defendant Anthony Smith's negligence was the direct and proximate cause of Plaintiff's injuries.

9. Jose Jenkins, Jr. sustained serious injuries which thereafter caused his death on November 18, 2021.

10. As a direct and proximate result of Anthony Smith's negligence, Jose Jenkins, Jr., incurred medical, funeral, and burial expenses for such decedent in an amount to be proven at the trial of this cause.

SECOND CAUSE OF ACTION

NEGLIGENCE PER SE OF TRUCK DRIVER

11. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 10 above as if fully restated verbatim.

12. Anthony Smith violated state and federal statutes and regulations including but not limited to Title 9 of the Indiana Code.

13. Defendant Anthony Smith's statutory violations directly and proximately caused the damages and injuries of Jose Jenkins, Jr., deceased.

14. Defendant Anthony Smith is negligent per se based on these statutory and regulatory violations.

THIRD CAUSE OF ACTION

RESPONDEAT SUPERIOR OF TRUCK COMPANY

15. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 14 above as if fully restated verbatim.

16. Defendant Anthony Smith was the employee, agent, servant, or independent contractor for B & B Trucking, Inc. Accordingly, B & B Trucking, Inc. is vicariously liable for the acts of Defendant Anthony Smith for the causes of action above.

WHEREFORE, the Plaintiff, Kahlia Dunning, Personal Representative of the Estate of Jose Jenkins, Jr., deceased, by counsel, Ken Nunn Law Office, demand judgment against the Defendants, Anthony Smith and B & B Trucking, Inc. for permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical, funeral, and burial expenses.

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REQUEST FOR TRIAL BY JURY

Comes now the plaintiff, by counsel, Ken Nunn Law Office, and requests that this matter be tried by jury pursuant to Trial Rule 38.

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